

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

TINA LEE MILLER, :

Plaintiff : **CIVIL ACTION NO. 3:16-2468**

v. : **JUDGE MANNION**

COMMISSIONER OF SOCIAL :
SECURITY, :

Defendant :
:

ORDER

Pending before the court is the report of Magistrate Judge Susan E. Schwab, which recommends that the decision of the Commissioner be affirmed and that this case be closed. (Doc. 18). No objections have been filed to Judge Schwab's report.

When no objection is made to a report and recommendation, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b), advisory committee notes; see also Univac Dental Co. v. Dentsply Intern., Inc., 702 F.Supp.2d 465, 469 (M.D.Pa. 2010) (citing Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give

some review to every report and recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); Local Rule 72.31.

In her appeal, the plaintiff argues that the administrative law judge (“ALJ”) failed to consider her severe impairments; the ALJ’s decision that she did not have an impairment or combination of impairments that meets or medically equals the severity of one of the listed impairments in 20 C.F.R. Part 404, Subpart P, Appendix 1, is not supported by substantial evidence; and the ALJ’s residual functional capacity assessment is not supported by substantial evidence.

In carefully considering the plaintiff’s claims, Judge Schwab found that each is without merit and that substantial evidence supports the ALJ’s decision. Accordingly, Judge Schwab recommends that the decision of the Commissioner be affirmed.

The court has reviewed the entire report of Judge Schwab and finds no clear error of record. The court further agrees with the sound reasoning which led Judge Schwab to her recommendation. As such, the court adopts the

reasoning of Judge Schwab as the opinion of the court.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

- (1) The report and recommendation of Judge Schwab, (**Doc. 18**), is **ADOPTED IN ITS ENTIRETY**.
- (2) The decision of the Commissioner is **AFFIRMED**.
- (3) The Clerk of Court is directed to **CLOSE THIS CASE**.

s/ *Malachy E. Mannion*
MALACHY E. MANNION
United States District Judge

Date: July 16, 2018

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